

NOTICE:

“BEST AVAILABLE COPY”

**PORTIONS OF THE FOLLOWING
DOCUMENT ARE ILLEGIBLE**

The Administrative Record Staff

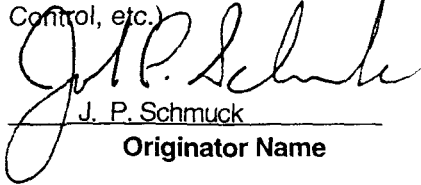
000068865

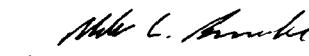
ER/WM&I DDT


Source/Driver: (Name & Number from ISP, IAG milestone, Mgmt. Action, Corres. Control, etc.)

Closure #: (Outgoing Correspondence Control #, if applicable)

Due Date


J. P. Schmuck
Originator Name


For G. DiGregorio
QA Approval


For J. E. Law
Contractor Manager(s)

T. Greengard
Kaiser-Hill Program Manager(s)

A. D. Rodgers
Kaiser-Hill Director

Document Subject:

TRANSMITTAL OF LETTER TO DOE CONCERNING STATUS OF CERCLA OFFSITE RULE AND PATH FORWARD - JEL-038-98

KH-00003NS1A

February 26, 1998

Discussion and/or Comments:

Enclosed please find a letter for transmittal to DOE providing information on the status of the CERCLA Offsite Rule, a path forward, and two drafts of correspondence for DOE-RFFO transmittal to DOE, Idaho Falls, Idaho and NTS. Also enclosed is a draft letter from NTS to the EPA in San Francisco, California. Following your review of this correspondence please transmit as appropriate.

Attachments:
As Stated

cc:
A. C. Crawford
J. E. Law
J. P. Schmuck
Administrative Record
RMRS Records

February 27, 1998

Norma Castaneda
ES&H Program Assessment
DOE, RFFO

STATUS OF CERCLA OFFSITE RULE AND PATH FORWARD

Pursuant to your request, the K-H Team has prepared the following status summary for the CERCLA Offsite Rule. In addition, we have prepared two draft letters for your transmittal. For simplicity, we will discuss the purpose of each of the letters as part of the path forward.

Background

RMRS has been working with K-H, DOE and EPA Region VIII to obtain determinations of acceptability for offsite treatment, storage and disposal of RFETS CERCLA wastes. CERCLA wastes from RFETS projects are scheduled to go to three offsite locations for treatment or disposal. None of the three locations have been evaluated by EPA for acceptability under the CERCLA Offsite Rule. (See 40 CFR §300.440). The three locations include:

- Starmet, South Carolina - Recycling and treatment of depleted uranium and soil from T-1
- WERF Incinerator, INEL - GAC from T3/T4
- Nevada Test Site - Disposal of calcined soil from Starmet treatment

Other Offsite Disposal Locations

RMRS has obtained a determination of acceptability for the USA Waste Front Range Landfill. This provides authority to dispose non-hazardous, non-radioactive CERCLA decommissioning debris that include lead-based paint and other trace CERCLA hazardous substances. In addition, as of January 22, 1998, Envirocare is acceptable for CERCLA wastes. RMRS will periodically update the USA Waste Front Range Landfill and Envirocare status.

Starmet Status

On February 24, 1998 Starmet sent a request for a determination of acceptability to Region IV EPA. In conversations with Alan Newman, the Region IV CERCLA Offsite Contact, Mr. Newman has suggested that he may not approve Starmet as acceptable unless the proposed recipient of the treated waste materials (ie. the calcined soil) is also acceptable. Mr. Newman was referring to NTS, which he said is not currently acceptable for CERCLA wastes. Mr. Newman has already performed CERCLA Offsite Rule evaluations for DOE treatment facilities at Oak Ridge and Savannah River. Jean Lillich of EPA Region VIII has also been in contact with Mr. Newman in an attempt to facilitate that approval.

Proposed Action: Continue to follow and expedite the process, as appropriate.

WERF Incinerator Status

RFETS has received approval to ship F-listed GAC to the Waste Experimental Reduction Facility Incinerator at INEL. Shipment is anticipated to occur in July. The WERF Incinerator has not received a determination of acceptability from Region X EPA. Bob Montgomery of the INEL is preparing a letter to EPA Region X requesting a determination of acceptability. Mr. Montgomery said that individuals in the WERF organization continue to have different opinions about the applicability of the CERCLA Offsite Rule.

Proposed Action: Prepare a formal, written DOE-RFFO request that WERF obtain a determination of acceptability from EPA prior to receiving the RFETS GAC.

Nevada Test Site Status

As noted above, the EPA Offsite Rule Program personnel do not believe that NTS is acceptable for CERCLA wastes. In response, Regina Sarter, DOE-RFFO, and Jean Lillich, EPA Region VIII, separately contacted Wendy Clayton at NTS.

Ms. Clayton stated her intention to recommend to management that NTS pursue and obtain a determination of acceptability. Ms. Clayton has also stated that NTS is currently faced with bigger problems (ie. the liquids in the Fernald wastes) and that they perceive the CERCLA Offsite Rule as a mere "BMP" because there are no penalties attached. This perception is of grave concern to RFETS.

Specifically, the offsite rule does not allow RFETS to dispose any CERCLA wastes containing any CERCLA hazardous substances anywhere offsite unless the receiving facility is determined acceptable by EPA. For example, virtually all radioactive and non-radioactive decommissioning wastes will include lead-based paint. The lead in the paint subjects these waste streams to the terms of the CERCLA Offsite Rule.

Proposed Action: Prepare a letter from DOE-RFFO to NTS to formally request that NTS obtain, on a priority basis, a determination of acceptability. In addition, the request could include a sample letter to facilitate submission of the NTS request to EPA Region IX.

Path Forward

Consistent with the proposed actions, the K-H team has prepared two draft letters. The first letter from DOE-RFFO to the WERF Incinerator is a request by DOE-RFFO that WERF seek and obtain a determination of acceptability from EPA. The second letter makes a similar request of NTS and provides a sample letter to facilitate the process.

If you have questions or comments, please contact me at extension 5635.

Thomas C. Greengard
Waste & Remediation Operations

TCG:bag

Original and 1 cc - N. Castaneda

Enclosures: As Stated

(DOE RFFO to WERF incinerator, for information, Geoffrey L. Beausoleil's phone # is (208) 526 5558. Also please cc: to Donald N. Rasch, MS 1146, WERF Environmental Compliance)

March __, 1998

Geoffrey L. Beausoleil MS 4201
WERF Operations
US DOE Idaho Operations Office
P.O. Box 1625
Idaho Falls, Idaho 83415

DETERMINATION OF ACCEPTABILITY FOR CERCLA WASTES AT THE WASTE
EXPERIMENTAL REDUCTION FACILITY INCINERATOR

As you are aware, in the near future DOE-RFFO hopes to ship granulated activated carbon (GAC) to WERF for incineration. The GAC was generated during CERCLA actions at the Rocky Flats Environmental Technology Site, and has already been accepted by your facility for incineration.

Because the GAC was generated as part of a CERCLA action, it may only be treated or disposed at a facility that meets the requirements of the CERCLA Offsite Rule (See 40 CFR §300.440). It is our understanding the WERF Incinerator has not been evaluated by EPA and thus is not presently acceptable for CERCLA wastes. In light of this, DOE-RFFO requests that WERF initiate the process to obtain a determination of acceptability pursuant to the CERCLA Offsite Rule.

If you have questions, or if DOE-RFFO can provide assistance in this effort please do not hesitate to call.

Regina Sarter
Environmental Compliance
DOE, RFFO

cc: Donald Rasch, WERF Environmental Compliance

March __, 1998

Wendy Clayton
Nevada Test Site

DETERMINATION OF ACCEPTABILITY FOR CERCLA WASTES AT THE NEVADA TEST SITE

As you may be aware, DOE-RFFO is undertaking an ambitious plan to close the Rocky Flats Plant. The closure will include a variety of environmental restoration projects and the decommissioning of numerous buildings. Many of these projects will create significant volumes of low level waste.

At Rocky Flats and at other sites in the DOE complex, environmental restoration projects are being conducted under CERCLA authorities. Similarly, pursuant to the joint DOE-EPA policy dated May 22, 1995, decommissioning projects at Rocky Flats and at many locations throughout the DOE complex will be conducted under CERCLA removal action authorities.

CERCLA prohibits the treatment or disposal of wastes that are both contaminated with CERCLA hazardous substances and generated during CERCLA actions at offsite facilities that have not been determined "acceptable" by EPA. (See 40 CFR §300.440, also known as the CERCLA Offsite Rule). A substantial portion of the environmental restoration and decommissioning wastes will be contaminated with small amounts of CERCLA hazardous substances, (eg. lead-based paint on decommissioning debris) that while not RCRA hazardous, will be subject to the terms of the CERCLA Offsite Rule.

For that reason, it is vital that NTS immediately seek and obtain a determination of acceptability from EPA. In the very near future, numerous projects at RFETS and at other locations in the DOE complex will be subject to delays and cost overruns if a determination of acceptability is not obtained.

If there is some way that DOE-RFFO can contribute to the process please contact me at _____.

Regina Sarter
Environmental Compliance
DOE, RFFO

(NTS to EPA Region IX)

March __, 1998

Candice Bellamy
CERCLA Offsite Rule Contact
EPA Region IX, WST-3-1
75 Hawthorne Street
San Francisco, California 94105

DETERMINATION OF ACCEPTABILITY FOR CERCLA WASTES AT THE NEVADA TEST

The Nevada Test Site (NTS) requests that EPA determine the accept-ability of NTS for disposal of CERCLA wastes pursuant to 40 CFR §300.440. In the near future, environmental restoration and decommissioning projects at sites throughout the DOE complex will be generating low level waste under CERCLA authorities. This waste is suitable for disposal at NTS, but it will contain CERCLA hazardous substances and is therefore subject to the CERCLA Offsite Rule.

There are a number of CERCLA projects underway in the DOE complex. For that reason it is vital that every effort is made to expedite the evaluation process. We will be contacting you in the near future to explore the ways we may facilitate the process. If you have questions or comments, please contact me at _____.

NTS